

App. F. IX-4

Previous References.

✓
194 / .
(Cb)

File No. 116 - 41

Serial Nos. 1 - 5

Later References.

Sl 74-42 (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. five only

Part B for Jan 42

SUBJECT.

Irregular procedure adopted by the Second Magistrate Chitaldrug in having issued a bailable warrant against the Sub Assistant Surgeon at Molakalmuru

Issued No P 3305 A 21.1.42

To
The Senior Surgeon

Is a copy of the proceedings of the High Court D. No 199/41-42
of 15.1.42 in the matter for information

C. G. Vajravelu
26.5.42

Re arrest of S. A S of Molakalmuru

2271

General and Revenue
Secretariat

File No.

of 194

[App. F. III-2]

Serial
No.

From

Secy Surgeon

C 1125-1 d 25.10.41

states the circumstances under which
the Sub asst Surgeon Molakalmuru was
arrested under a bailable warrant when he
was working in the dispensary, that it appears
correct that in such cases summons should be
served through his official superior who has to
arrange for work and requests that the matter
be placed before the Govt for decision and
advice.

Dubd. The question is perhaps one for the Law
Dept and the paper will be transferred to the
A/Protection Br for further action

Sketch 2) It will be done if approved
3/11/41
3x1 (3) The matter require examination
For perusal before the file is transferred to the
Prom Branch for scrutiny & further action.
Min. LSG)

WCI

4/11/41

(4)

5/11/41

6.11.41

Prom Br)

(5)

6/11/41

7.11.41

OFFICE OF THE MINISTER
FOR L. S. G. & P. H.

Date 5-11-41

No. 2.6.26



NOTE—Cont. Sheet

2483/141

Re: Arrest of the Sub Assistant Surgeon of Abalakumbura

File No.

of 194 .

General and Revenue
Secretariat

Serial
No.

'X'

Rule 7. Ch 11

of Criminal Rules &
Practice is as follows:

"When a

medical subordinate
is at a station other
than that at
which his attendance
as a witness is required
the summons should be
sent through the Civil
Surgeon or Assistant Surgeon in
medical charge of the
District."

(6) The act of the Magistrate
is wholly irregular. The Sub Assistant Surgeon
was perfectly right in endorsing on the
summons that it should be sent to him
through his immediate superior. The S. A. S.
who is in charge of the Hospital cannot
leave it, without seeking some arrangement
The explanation given by the Magistrate is
not satisfactory. He has not followed Rule 7 of the
Cr. R. & Practice. The High Court may be informed
of this irregularity, & after receiving
a report on this incident from the High
Court, the Senior Surgeon will be
duly informed of course & the
employment of him in such cases.

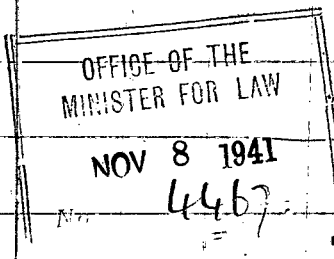
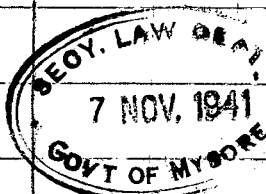
Law Secretary 3
7/11/41

(7) The action taken by the Magistrate
is highly irregular. He may be
warned through the High Court.

Minister
(in law.)

Hm
2
7.11.41.

(8) Warning is not adequate. This may be sent to the High
Court for favour of suitable action
being taken in the instance &
for in order to prevent such irregular



2489 / 6 47 2531

Serial
No.

action in future, which is likely to cause
grave public inconvenience

(9) The Senior Engineer may be w/d of this & a copy of
the Rule also sent to him
(Shwan) 9-11-41

(10) nlu
u/u/41
H

Hm
2
13/11/41

3
13/11/41

(11)
Hld With 2 drafts

Can
18/11
Hm

(12) may be approved
has Secretary 3
18/11

(13) Hm
2
24.11.41

(14) Lm

Issued No P 2183 & 25.11.41

P 2182 & 25.11.41

(15) For perusal
Jm
6/12

Wep Seen

(16) Seen. Thanks
W
6/12/41

DEPT. OFFICE

10. NOV. 1941

NO. 3912

4467

15/11

SECY. LAW DEPT.
18 NOV. 1941
GOVT. OF MYSORE

Sus A

Irregular procedure adopted by the Second Magistrate

Chitalding in having issued a bailable warrant against

the Sub. Asst. Surgeon Molakalmuru

Cs File No.

116

2489

of 1941

3942

General and Revenue
Secretariat

From

The Registrar High Court

No. 8, Dis 199/41-42 of 16.1.1942

Serial
No.

In the matter of the irregular procedure adopted
by Mr. H. Habibullah Khan, Second Magistrate,
Chitalding in having issued a bailable warrant
against the Sub. Asst. Surgeon Molakalmuru, forwards
a copy of the proceedings of 15.1.1942
of the Idim Court.

JAN 19 1942

No. 7409

(17) After obtaining the explanation of the
Second Magistrate, the High Court have
in their proceedings of 15.1.1942
reprimanded Mr. Habibullah Khan.

Page 2

(18) After perusal, the file may be sent
to the Confidential Branch for placing a
copy of the Idim Court proceedings in
the Confidential reports on the Character and
Work of the Officer.

(19) Submitted with reference to Law Minister's
Minute in para 8 of the Notes

CPD
19/1/42

(19) As Secretary

3

(20) for perusal

18/1/42

Minister
(to Law)

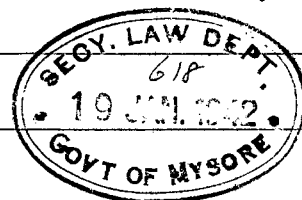
Hm

(21) Please send copy to S.S. in reply
this ref. also

20/1

Hm

20.1.42



Irregular procedure adopted by the Second Magistrate
 Chitaldy in having issued a variable warrant against
 the Mr. H. H. Surgen 394/6 Mohallem.

General and Revenue
 Secretariat

Cs File No.

116

of 194/.

[App. F. III-2]

Serial
 No.

(22)

Sent with a draft

CPM

21/1/42

[The file may be pursued by the

See sec 18 appd.]

(23)

See 220-submi-

3/21/1

To

The Senior Surgeon

NO p 3305 of 21.1.42

Forwards a copy of the High Court proceedings

NO. B. No 199 of 15.1.1942 Reprimanding Mr.

Halibullakhan, Second Magistrate, Chitaldy.

(24)

Re submitted after issue

CPM

22/1/42

(25)

For perusal & return

See Sec 18

3/21/1

(26)

Seen & returned with thanks. (The

file may also be submitted to the min & S G for
 perusal, on his return from Calcutta.)

1007

23/1/42

Thru

23.1.42

(27)

Confidential Branch kindly to ~~make~~ take a copy of
 the High Court proceedings of 15.1.42 for filing
 with the Confidential Reports on the character and work
 of Mr. K. Halibullakhan Munsiff.

3/23/1/42

The file may kindly be returned when no longer required

WD 04155-GPB-55,000-28-10-41

File Z

A copy given to the proceedings
 is taken to the file returned

NOTE—Cont. Sheet.

Recd
 26/1/42

For 3 to
 5-2-42

CPM

23/1/42

24/1/42

Irregular procedure adopted by the Secand

Magistrate

Chital darg in having issued a warrant

against the

General and Revenue Secretariat

File No.

6962

54721

3942

of 194

Serial No.

The file is needed for personal with reference to para 26 of the notes.

Minister
L.S.G.

3
6/2/42

OFFICE OF THE MINISTER
FOR L. S. G. & P. H.
Date... 6.2.42
No... 4262

File linked with
G.M.D. 4727 - rules
re prohibition of private
practice. This not
known why this was
linked. For personal
before return to Proctor.
Black
7/5
8/5/42 9/5

Subd for orders as to whether these papers
may be needed.

[The Minister L.S.G. does not appear
to have perused these papers]

CPM
11/5

Why was it not submitted
to the Minister, though it was
marked with an 6-2-42?

3

G.M. (or)

Subd

Proctor to Proctor
by Mr

(Please see linked file)

3
12/5/42

by
12/5/42

12.5.42

Irregular procedure adopted by the Second
Magistrate concluding in having issued a bailable
warrant against the Lt. Col. Suresh Mohanlal

General and Revenue
Secretariat

File No.

116

of 194

1. 9. 27

[App. F. III-2]

Serial
No.

(The linked file has been bearing to this
present file, I see no reason why this file
was not submitted in time to the Secretary. Such
a delay should be avoided in future.) 3/13/57
In kind passed by the
passed in this case

Ministry for
2.8.9.

3/13/57

4.4.
16.5.62

Hm
2
16/5/62

3
16/5/62

G.M. Brannen

It is not known whether the file which
was linked to this file at the submission
time of submission to the L.S.G. Minister
has been dislinked by the G.M. Brannen.

The G.M. Brannen will kindly note whether the
file referred to above has been retained by them.

CPD
19/5
m

Mr. Jey
P.A. for
W.C.

3
19/5/62

The file bearing G.M. 4727 has been
dislinked and retained in the G.M. Branch

OFFICE OF THE MINISTER
FOR L. S. G. & P. H.
Date 13.5.1962
No. 7137

~~10~~

Med
19/5

3942/14
P.

File No.

of 194

General and Revenue
Secretariat

Serial
No.

for taking further action.

Subd for perusal before returning this file
to Protection Branch

Re
20/5

20/5/42

1/
25/5

Subd for perusal.

These papers will be attended

eg

3/
21/57

B

m

MYSORE MEDICAL DEPARTMENT.

2492
E.M.

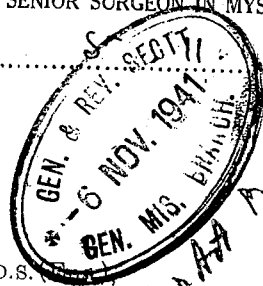
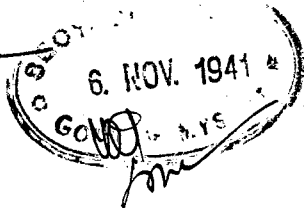
Tele gram: Senorgen.
phone: No. 2462.

OFFICE OF THE SENIOR SURGEON IN MYSORE,

No.
Encl.

C 1125-3

Bangalore, dated 1941.



FROM

Y. V. MONTEIRO, Esq., M.B.B.S., F.R.F.P.S (Glas.), L.D.S.

Offg. Senior Surgeon with the Government of H. H. the Maharaja of Mysore.

To

The Secretary to the Government of Mysore,
Development Department, Bangalore.

Sir,

In continuation of my letter No.C. 1125-1 dated 25th October 1941 regarding the arrest of the Sub Assistant Surgeon at Molakalmuru, I have the honor to forward herewith, an extract from the endorsement issued by the District Medical Officer, Chitaldrug to the Sub Assistant Surgeon of Molakalmuru from which it will be seen that the Sub Assistant Surgeon has again been served with summons/direct by the Special Second Magistrate Chitaldrug,

I request you kindly to obtain ~~very~~ early orders of Government on the subject for the guidance of officers and subordinates of this Department.

I have the honor to be,
Sir,
Your most obedient servant,

Offg. Senior Surgeon.

Memorandum No. 1959 dated 3rd November 1941 from
the District Medical Officer, Chitaldrug to the
Sub Assistant Surgeon of Molakalmuru

With reference to his report No. 87 dated the
1st November 1941, intimating that he has again been
served with S ummons directly in a private case by
the Special S econd Magistrate, Chitaldrug, to appear
on 6th November 1941, and that he has accepted Summons
pending further instructions in the matter, Sub
Assistant S urgeon Mr.S.Narayana Rao, is granted a
day's casual leave on the 6th Instant, with permission
to leave the Head-quarters.

X

X

X

" E x t r a c t "

Amol
Offg. Senior Surgeon.

Serial
No.

2271

mm
5/11

x 2482841 - Lamm
P 7/11

Saled. The previous letter has been ruled for journal of
Minister L.S.G. before transfer to Protection Br. This
will be sent to Protection Br also in Contn. with the file
Shed
6/11/41
Dev to Secy) 6/11/41

NOTE—Cont. Sheet.

6/11/41

Prm. Br)

WD 04155-GPB-55,000-23-10-41

UD

6/11/41

7. 11. 41

2501
07

File No.

of 194

General and Revenue
Secretariat

	Serial No.	
This matter is under consideration by the Govt in the other file. As the S.A.S. has been given leave to attend Court by 10.0. There is no need to pursue the question here. Bringing this file along with the other file, after it is returned from the Members of the Govt.		
3 8/11/41		have the 10/11 together with main file being no.
I please be (116-41-)		2489/p. 41 KMU 13/11

Slp

Gm 2271

MYSORE MEDICAL DEPARTMENT.

Tele { gram: Senorgen
phone: No. 2462

No. C1125-1
Encl. one.

OFFICE OF THE SENIOR SURGEON IN MYSORE,

Bangalore, dated 25.10.1941



CH-116-41-1

FROM

V. V. MONTEIRO, Esq., M.B.B.S., F.R.F.P.S. (Glas.), L.D.S. (Eng.),

Offg. Senior Surgeon with the Government of H. H. the Maharaja of Mysore.

To

The Secretary to the Government of

His Highness the Maharaja of Mysore,

Development Department, BANGALORE.



Sir,

Sub: ~~The~~ Arrest of the Sub Assistant Surgeon at
Molakalmuru.

I have the honour to state that it has been brought to my notice that the Sub Assistant Surgeon Mr. S. Narayana Rao who is in charge of the Local Fund Dispensary, Molakalmuru was arrested whilst on duty at the dispensary in the following circumstances:-

He was cited as a witness in a private complaint in C.C.85/41-42 before the Court of the Second Magistrate, Chitaldrug, by one Ramanna and one Wahab Sahib and three others for an offence under Section 323 and 355 I.P.C. and summons were served on him direct requiring his presence in the Court on 27-9-1941. The Sub Assistant Surgeon states and the Magistrate admits that the summons were returned with an endorsement to the effect that the same should be sent through the District Medical Officer. On this, the Magistrate issued a bailable warrant which was again served direct on the Sub Assistant Surgeon on 3-10-1941 and he was placed under arrest when he was busy attending to the patients in the dispensary. Little later, the Sub Assistant Surgeon with great difficulty found a surety and got himself released and continued his duties. It is not my desire to criticise the action of the Magistrate, but to point out here that even such ordinary transactions as recoveries of money from a Government servant are effected by attachment of salary through the official superior and in a case where the presence of a Sub Assistant Surgeon is required in a Court of Law causing thereby his absence from his

his duties, it appears to me to be correct that such summons should be sent through his official superior who is responsible for the arrangement of work of the institution. In this particular instance, the Sub Assistant Surgeon has not made any attempt to disobey the summons from a Court of Law but has merely requested that this may be served on him through his official superior. His arrest resulted in temporary dislocation of a Government medical institution and has caused considerable annoyance and unpleasantness to the Sub Assistant Surgeon. I am anxious that such an incident shall not occur in future. May I therefore request you to place this matter before Government and obtain their directions and advice so as to enable me to regularise the conduct of officers and subordinates of this department.

I enclose herein a copy of the letter of the Magistrate to the District Medical Officer, Chitaldrug.

I have the honour to be,

Sir,

Your most obedient servant,

Imyon Lins
Offg. Senior Surgeon.

Copy of letter No. C.C.85/41-42 dated the 4th October 1941 from the Second Magistrate, Chitaldrug, to the District Medical Officer, Chitaldrug.

In continuation of my D.O. letter dated 3-10-1941, I have the honour to elucidate the circumstances under which Mr.T.S.Narayana Rao, Sub Assistant Surgeon of Molakalmuru was ordered to be arrested.

He was cited as a witness in a private complaint, in C.C.85/41-42 before this court between one Ramanna (Hotel Keeper, Molakalmuru) and one Wahab Sab and 3 others for an offence under section 323 and 355 I.P.C. Before hand Mr. Narayana Rao, in his private capacity had pacified the hotel keeper by promising to intercede on his behalf and induce the offender to pay up the dues. Subsequent to this, Wahab Sab with the aid of 3 others beat the hotel keeper with sandals and so a case was instituted in this court. Mr. T.S.Narayana Rao, being required to depose as to his knowledge of the affair, was summoned on 13-9-1941 which summons he returned with an endorsement to the effect that the same should be sent through the District Medical Officer.

But as he was needed purely in his private capacity, as he knows perfectly well the circumstances under which he was summoned and as he also knew that he was not needed in his official capacity and as he refused the summons, a bailable warrant was issued.

This, I trust will give you a clear view of the whole circumstances.

'Copy.'

Ammon Lin

Offg. Senior Surgeon.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

No. P2182/Encl 825-1/1

The Senior Surgeon

Sir

With reference to
Your letter No C 1125-1
of 25.10.1941 in
the matter of the
arrest of Mr S. Narayan
Rao Sub Assistant
Surgeon Molabettu, I
am directed to state
that Govt are of
opinion that the procedure
adopted by the Second
Magistrate Chitaldurg in
the case referred to above
is highly irregular
and is in contravention
of the rules on the
subject.

The Registrar High Court

Extracts from Rule 7 of Chapter
IV of the Criminal Rules of practice
Vol I (1934 Edition) on the subject are
enclosed herein for your information

Encl-1
274
28/11

has accordingly been requested
to take suitable action
in the matter

I have etc

Hm
24.11.41.

Levy to God
Low Rep.

No. P 2182/Euc.1

25th November 1941.

The Senior Surgeon in Mysore,
Bangalore.

with reference to your letter No.C.1125-1 dated 25th October 1941 in the matter of the arrest of Mr.S.Narayana Rao, Sub Assistant Surgeon, Molakalmuru, I am directed to state that Government are of opinion that the procedure adopted by the Second Magistrate, Chitaldrug in the case referred to above is highly irregular and is in contravention of the rules on the subject. Extracts from Rule 7 of Chapter IV of the Criminal Rules of Practice, Vol I.(1934 Edition) on the subject are enclosed herein for your information.

The Registrar, High Court has accordingly been requested to take suitable action in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

h

For Secretary to Government.
Law Department.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

24/11/41 No. P 2183 U 5 8-25-11-41
To Secy C/5-116-41-3
The Registrar
High Court

Sir

I am directed to forward herewith Copy of a letter No. C 1125-1 of 25.10.1941 from the Senior Surgeon in Mysore bringing to the notice of Govt the irregular procedure adopted by the Second Magistrate Chitaldum in having issued a bailable Warrant against Mr. S. Narayana Rao Sub Assistant Surgeon at Molakalmuru and resulting in the arrest of the Officer and to state that Govt are of opinion

Secy
274
27/11

8
that the action taken by
the Second Magistrate Chikaldung
in the case referred to
above is irregular and
is in contravention of
rule 7 of Chapter IV
of the Criminal Rules
of practice Vol I (1934
Edition) which lays down
that the summons in
such cases should be
sent through the Civil Surge
or the Asst Surgeon in
Medical Charge of the
District.

With a view to preventing
the recurrence of such
irregular instances in
future which are likely
to cause grave public
inconvenience, I am
to request that the

G. R. S. App. F. G. 3.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

High Court may kindly
take suitable action
in respect of the

irregular procedure adopted
by the Second Magistrate
Chitaldung.

Govt will be glad
to be favoured with a
report as to the action
taken in the matter.

I have etc

^{thru}
^{24.11.41.}
Levy to Govt
Ld. Secy

No. P2183 / m.c. 1.

25th November 1941.

The Registrar,

High Court of Mysore.

Sir,

I am directed to forward herewith copy of a letter No.C. 1125-1 dated 25th October 1941 from the Senior Surgeon in Mysore bringing to the notice of Government the irregular procedure adopted by the Second Magistrate, Chitaldrug in having issued a bailable warrant against Mr.S.Narayana Rao, Sub Assistant Surgeon at Molakalmuru resulting in the arrest of the officer and to state that Government are of opinion that the action taken by the Second Magistrate, Chitaldrug in the case referred to above is irregular and is in contravention of rule 7 of Chapter IV of the criminal Rules of Practice, Vol.I (1934 Edition) which lays down that the summons in such cases should be sent through the Civil Surgeon or the Assistant Surgeon in Medical charge of the District.

With a view to preventing the recurrence of such irregular instances in future which are likely to cause grave public inconvenience, I am to request that the High Court may kindly take suitable action in respect of the irregular procedure adopted by the Second Magistrate, Chitaldrug.

Government will be glad to be favoured with a report as to the action taken in the matter.

I have the honour to be,
Sir,
Your most obedient servant,
A

For Secretary to Government,
Law Department.

3942/241

R. O. C. No. 199
D. Dis. 41-42

enc: one

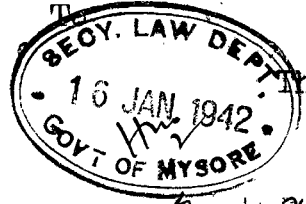
HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 15th January.....1942.
16



FROM

XXXXXXAMLENGAR, ESQ, XXX, XXX

The Registrar, High Court of Mysore.



The Secretary to the
Government of Mysore,
Law Department, BANGALORE.

SIR,

116-41-4

764 V

With reference to your letter No.P.2183/Cts. dated 25 November 1941, forwarding a copy of letter dated the 25 October 1941 received from the Senior Surgeon in Mysore, bringing to the notice of the Government the irregular procedure adopted by the Second Magistrate, Chitaldrug (Mr. Habibullakhan) in having issued a bailable warrant against the Sub Assistant Surgeon at Molakalmuru and stating that the procedure adopted by the Magistrate was irregular and requesting a report as to the action taken in the matter, I am directed to enclose a copy of the Proceedings of the High Court D.1 Dis. No. 199 /41-42, dated 14th January 1942, for the information of the Government.

I have the honour to be,

Sir,

Your most obedient servant,

B. Chetty

FOR REGISTRAR

SR -
KVN.

PROCEEDINGS OF THE HIGH COURT OF MYSORE.

R E A D: -

Letter No.P.2183/Cts. dated the 25th November 1941, from the Secretary to the Government, Law Department, forwarding a copy of letter, dated the 25th October 1941, received from the Senior Surgeon in Mysore, bringing to the notice of the Government the irregular procedure adopted by the Second Magistrate at Chitaldrug (Mr. K. Habibulla Khan) in having issued a summons and a bailable warrant of arrest in Criminal Case No.85 of 1941-42 on his file against the Sub-Assistant Surgeon at Holakalmuru without sending them through the District Medical Officer as required by rules, which resulted in the arrest of the Sub-Assistant Surgeon while on duty and public inconvenience; and

2. Letter No.J.3 G.1937/41-42, dated the 11th December 1941, from the District Magistrate of Chitaldrug, forwarding the explanation of Mr. K. Habibullakhan, Second Magistrate at Chitaldrug

O R D E R D, DIS. 199 /41-42

Dated, Bangalore, 14th January 1942.

15

To summon a Medical Officer and still more to have ~~him~~ him arrested while on duty without observing the rule that process should be sent through his official superior in order that arrangements ^{may be} made for his work was not only very unreasonable but very serious. Mr.Habibullakhan

Mr. Habibullakhan does not improve matters by his wrong-headed explanations, and he is reprimanded.

Sd/- D.L. Acharya,
For Registrar.

To

The District Magistrate,
Chitaldrug District,
CHITALDRUG.

"COPY"



FOR REGISTRAR.

SUBJECT.....
.....
.....

Diary No. of letter replied to.....

General and Revenue Secretariat

()
the 19

Date of issue..... 21-1-42

Signed by Mr. K.P.P.

List of enclosures.....

Copied by

Examined by

Section *CG*
File No. *116-41*
Serial No. *3*

No. *P 3305-*

To

*The Senior Surgeon
in Mysore*

Sir

*In Continuation of this office
letter No. P 2182 of 25-11-1941
in the matter of the issue
of a bailable warrant by the
Second Magistrate Chikhalang
against Mr. S. Narayana Red
Sub Asst. Surgeon Kolahalmuru,*

I am directed to forward
herewith a copy of the
proceedings of the High Court
D, Dis No 199 /41-42 of 15-
1-1942 in the matter for
your information

I have etc

3
to Secy to Govt
Law Secy.

21st January 1942.

The Senior Surgeon in Mysore,
Bangalore.

S i r,

In continuation of this Office letter No.P.2182 dated 25th November 1941 in the matter of the issue of a bailable warrant by the Second Magistrate, Chitaldrug against Mr.S.Narayana Rao, Sub Assistant Surgeon, Molakalmuru, I am directed to forward herewith a copy of the proceedings of the High Court D1-Dis.No.199/41-42 dated 15th January 1942 in the matter for your information.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Government,
Law Department.